

# **EXHIBIT A**

## **PART 1**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FACEBOOK, INC.,  
Plaintiff,  
v.  
STUDIVZ LTD., HOLTZBRINCK  
NETWORKS GmbH,  
HOLTZBRINCK VENTURES  
GmbH, and DOES 1-25,  
Defendants.

Case No. 5:08-CV-03468 JF  
Assigned To: Honorable Jeremy Fogel

**STUDIVZ LTD.'S RESPONSES TO  
FACEBOOK, INC.'S FIRST SET OF  
REQUESTS FOR ADMISSION**

Complaint Filed: July 18, 2008

PROPOUNDING PARTY: FACEBOOK, INC.  
RESPONDING PARTY: STUDIVZ LTD.  
SET NUMBER: ONE

## **I. GENERAL OBJECTIONS**

A. StudiVZ objects to the Requests for Admission (“RFAs”) on the grounds that Facebook seeks the right to use evidence obtained in this action in the action pending between Facebook and StudiVZ in Germany (the “German Action”). It is improper under established law to use this lawsuit or this Court as vehicles to obtain discovery for use in a foreign case when that evidence is located outside the United States, as it is here. It is also inconsistent with the District Court’s form protective order. StudiVZ will only produce evidence pursuant to a protective order specifying that the evidence is not specifically authorized to be used in any other court.

B. StudiVZ objects to the RFAs on the grounds that they seek discovery that is not reasonably related to pertinent disputed personal jurisdictional or *forum non conveniens* issues, which is improper given that there are currently pending motions to dismiss all defendants for lack of personal jurisdiction and *forum non conveniens*.

C. StudiVZ objects to the RFAs on the grounds that they would require violation of the privacy rights of its employees and its customers as embodied in German and European Union law, including but not limited to the German Constitution, the German Federal Data Protection Act (BDSG), the German Telecommunications Act (TKG), the German Tele Services Data Protection Act (TDDSG), the European Community Data Protection Directive 95/46/EC, Data Protection Directive for Electronic Communication 2002/58/ED and the E-Commerce Directive 2000/31/EC.

1                   D.     StudiVZ objects to the RFAs on the grounds that the definition of  
2 “STUDIVZ,” “YOU,” and “YOUR” includes StudiVZ’s “directors, officers,  
3 subsidiaries, predecessors, successors, assigns, agents, servants, employees,  
4 investigators, attorneys, AND ALL other persons and entities representing it acting  
5 on its behalf, OR purporting to act on its behalf, including without limitation,  
6 Ehassan Dariani and Dennis Bemann.” This is improperly overbroad generally  
7 and is particularly so given that the discovery purports to relate to personal  
8 jurisdiction, since in establishing jurisdiction discovery must be directed at the  
9 party only.

10                   E.     StudiVZ objects to the RFAs on the grounds that their gross  
11 overbreadth would require StudiVZ to incur an unreasonable amount of expense  
12 and time to search for documents that may be necessary to answer the RFAs.

13                   F.     StudiVZ objects to the RFAs to the extent they seek information that is  
14 protected from disclosure by the attorney-client privilege, the attorney work product  
15 doctrine, the right of privacy and/or any other applicable privileges, doctrines, or  
16 immunity from disclosure.

17                   G.     StudiVZ further objects to the RFAs to the extent they attempt or  
18 purport to impose obligations on StudiVZ beyond those set forth in the Federal  
19 Rules of Civil Procedure and the Hague Convention of 18 March 1970 on the  
20 Taking of Evidence Abroad in Civil or Commercial Matters (“Hague Evidence  
21 Convention”) as interpreted and enforced under German law. All definitions and  
22 instructions will be treated as having no force or effect to the extent they purport to  
23 impose obligations on StudiVZ beyond those set forth in the Federal Rules of Civil  
24 Procedure or the Hague Evidence Convention as interpreted and enforced under  
25 German law.

1 **REQUEST FOR ADMISSION NO. 1:**

2 Admit that YOU accessed the FACEBOOK WEBSITE while designing at  
3 least one of the STUDIVZ WEBSITES.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

5 StudiVZ hereby incorporates by reference the general objections set forth  
6 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
7 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
8 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
9 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
10 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
11 that the definitions of "YOU" and "STUDIVZ WEBSITES" are grossly overbroad.  
12 StudiVZ further objects to this RFA on the grounds that it is unlimited as to time,  
13 and is so overbroad as to be unduly burdensome and harassing. StudiVZ further  
14 objects to this RFA on the grounds that it seeks information that is not relevant nor  
15 reasonably calculated to lead to the discovery of admissible evidence.

16 StudiVZ further objects to this RFA on the grounds that, in granting in part  
17 Facebook's request for a continuance on the hearing for StudiVZ's Motion to  
18 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
19 Court made its decision based upon the then-pending discovery requests. Likewise,  
20 StudiVZ did not oppose Facebook's request to continue the hearing on the personal  
21 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing  
22 discovery and the disputes related thereto. Had Facebook been upfront with the  
23 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
24 propound six additional sets of discovery (including more document demands to  
25 StudiVZ than had been propounded before) a few days after the Court issued its  
26 ruling, StudiVZ would have opposed Facebook's request to continue even the  
27 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ  
28 believes that the Court would have ruled differently and would have denied all of

1 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
2 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
3 over four months ago (when Facebook propounded its other discovery), and (2) why  
4 StudiVZ should have to respond to an RFA the response to which would have been  
5 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
6 hearing date was selected in consultation with Facebook so that Facebook would  
7 have many months to take jurisdictional discovery.

8

9 **REQUEST FOR ADMISSION NO. 2:**

10 Admit that YOU have accessed or have had access to COMPUTER CODE  
11 for the FACEBOOK WEBSITE.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

13 StudiVZ hereby incorporates by reference the general objections set forth  
14 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
15 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
16 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
17 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
18 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
19 that it is compound. StudiVZ further objects to this RFA on the grounds that the  
20 definition of "YOU" is grossly overbroad. StudiVZ further objects to this RFA on  
21 the grounds that it is unlimited as to time, and is so overbroad as to be unduly  
22 burdensome and harassing. StudiVZ further objects to this RFA on the grounds  
23 that it seeks information that is not relevant nor reasonably calculated to lead to the  
24 discovery of admissible evidence.

25 StudiVZ further objects to this RFA on the grounds that, in granting in part  
26 Facebook's request for a continuance on the hearing for StudiVZ's Motion to  
27 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
28 Court made its decision based upon the then-pending discovery requests. Likewise,

1 StudiVZ did not oppose Facebook's request to continue the hearing on the personal  
2 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing  
3 discovery and the disputes related thereto. Had Facebook been upfront with the  
4 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
5 propound six additional sets of discovery (including more document demands to  
6 StudiVZ than had been propounded before) a few days after the Court issued its  
7 ruling, StudiVZ would have opposed Facebook's request to continue even the  
8 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ  
9 believes that the Court would have ruled differently and would have denied all of  
10 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
11 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
12 over four months ago (when Facebook propounded its other discovery), and (2) why  
13 StudiVZ should have to respond to an RFA the response to which would have been  
14 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
15 hearing date was selected in consultation with Facebook so that Facebook would  
16 have many months to take jurisdictional discovery.

17

18 **REQUEST FOR ADMISSION NO. 3:**

19 Admit that YOU used FACEBOOK COMPUTER CODE in the design of at  
20 least one of the STUDIVZ WEBSITES.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

22 StudiVZ hereby incorporates by reference the general objections set forth  
23 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
24 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
25 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
26 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
27 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
28 that the definitions of "YOU" and "STUDIVZ WEBSITES" are grossly overbroad.

1 StudiVZ further objects to this RFA on the grounds that it is unlimited as to time,  
2 and is so overbroad as to be unduly burdensome and harassing. StudiVZ further  
3 objects to this RFA on the grounds that it seeks information that is not relevant nor  
4 reasonably calculated to lead to the discovery of admissible evidence.

5 StudiVZ further objects to this RFA on the grounds that, in granting in part  
6 Facebook's request for a continuance on the hearing for StudiVZ's Motion to  
7 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
8 Court made its decision based upon the then-pending discovery requests. Likewise,  
9 StudiVZ did not oppose Facebook's request to continue the hearing on the personal  
10 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing  
11 discovery and the disputes related thereto. Had Facebook been upfront with the  
12 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
13 propound six additional sets of discovery (including more document demands to  
14 StudiVZ than had been propounded before) a few days after the Court issued its  
15 ruling, StudiVZ would have opposed Facebook's request to continue even the  
16 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ  
17 believes that the Court would have ruled differently and would have denied all of  
18 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
19 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
20 over four months ago (when Facebook propounded its other discovery), and (2) why  
21 StudiVZ should have to respond to an RFA the response to which would have been  
22 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
23 hearing date was selected in consultation with Facebook so that Facebook would  
24 have many months to take jurisdictional discovery.

25  
26 **REQUEST FOR ADMISSION NO. 4:**

27 Admit that YOU intentionally designed at least one of the STUDIVZ  
28 WEBSITES to look like the FACEBOOK WEBSITE.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

2 StudiVZ hereby incorporates by reference the general objections set forth  
3 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
4 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
5 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
6 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
7 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
8 that the definitions of “YOU” and “STUDIVZ WEBSITES” are grossly overbroad.  
9 StudiVZ further objects to this RFA on the grounds that it is unlimited as to time,  
10 and is so overbroad as to be unduly burdensome and harassing. StudiVZ further  
11 objects to this RFA on the grounds that it seeks information that is not relevant nor  
12 reasonably calculated to lead to the discovery of admissible evidence.

13 StudiVZ further objects to this RFA on the grounds that, in granting in part  
14 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to  
15 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
16 Court made its decision based upon the then-pending discovery requests. Likewise,  
17 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal  
18 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing  
19 discovery and the disputes related thereto. Had Facebook been upfront with the  
20 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
21 propound six additional sets of discovery (including more document demands to  
22 StudiVZ than had been propounded before) a few days after the Court issued its  
23 ruling, StudiVZ would have opposed Facebook’s request to continue even the  
24 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ  
25 believes that the Court would have ruled differently and would have denied all of  
26 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
27 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
28 over four months ago (when Facebook propounded its other discovery), and (2) why

1 StudiVZ should have to respond to an RFA the response to which would have been  
2 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
3 hearing date was selected in consultation with Facebook so that Facebook would  
4 have many months to take jurisdictional discovery.

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6 **REQUEST FOR ADMISSION NO. 5:**

7 Admit that YOU accessed the FACEBOOK WEBSITE for the purpose of  
8 copying ANY design elements of the site.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

10 StudiVZ hereby incorporates by reference the general objections set forth  
11 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
12 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
13 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
14 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
15 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
16 that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this  
17 RFA on the grounds that the phrase "design elements" is vague and ambiguous.  
18 StudiVZ further objects to this RFA on the grounds that it is unlimited as to time,  
19 and is so overbroad as to be unduly burdensome and harassing. StudiVZ further  
20 objects to this RFA on the grounds that it seeks information that is not relevant nor  
21 reasonably calculated to lead to the discovery of admissible evidence.

22 StudiVZ further objects to this RFA on the grounds that, in granting in part  
23 Facebook's request for a continuance on the hearing for StudiVZ's Motion to  
24 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
25 Court made its decision based upon the then-pending discovery requests. Likewise,  
26 StudiVZ did not oppose Facebook's request to continue the hearing on the personal  
27 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing  
28 discovery and the disputes related thereto. Had Facebook been upfront with the

1 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
2 propound six additional sets of discovery (including more document demands to  
3 StudiVZ than had been propounded before) a few days after the Court issued its  
4 ruling, StudiVZ would have opposed Facebook's request to continue even the  
5 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ  
6 believes that the Court would have ruled differently and would have denied all of  
7 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
8 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
9 over four months ago (when Facebook propounded its other discovery), and (2) why  
10 StudiVZ should have to respond to an RFA the response to which would have been  
11 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
12 hearing date was selected in consultation with Facebook so that Facebook would  
13 have many months to take jurisdictional discovery.

14

15 **REQUEST FOR ADMISSION NO. 6:**

16 Admit that YOU conceived of the idea for at least one of the STUDIVZ  
17 WEBSITES while in the United States.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

19 StudiVZ hereby incorporates by reference the general objections set forth  
20 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
21 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
22 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
23 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
24 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
25 that the definitions of "YOU" and "STUDIVZ WEBSITES" are grossly overbroad.  
26 StudiVZ further objects to this RFA on the grounds that it is unlimited as to time,  
27 and is so overbroad as to be unduly burdensome and harassing. StudiVZ further

1 objects to this RFA on the grounds that it seeks information that is not relevant nor  
2 reasonably calculated to lead to the discovery of admissible evidence.

3 StudiVZ further objects to this RFA on the grounds that, in granting in part  
4 Facebook's request for a continuance on the hearing for StudiVZ's Motion to  
5 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
6 Court made its decision based upon the then-pending discovery requests. Likewise,  
7 StudiVZ did not oppose Facebook's request to continue the hearing on the personal  
8 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing  
9 discovery and the disputes related thereto. Had Facebook been upfront with the  
10 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
11 propound six additional sets of discovery (including more document demands to  
12 StudiVZ than had been propounded before) a few days after the Court issued its  
13 ruling, StudiVZ would have opposed Facebook's request to continue even the  
14 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ  
15 believes that the Court would have ruled differently and would have denied all of  
16 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
17 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
18 over four months ago (when Facebook propounded its other discovery), and (2) why  
19 StudiVZ should have to respond to an RFA the response to which would have been  
20 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
21 hearing date was selected in consultation with Facebook so that Facebook would  
22 have many months to take jurisdictional discovery.

23

24 **REQUEST FOR ADMISSION NO. 7:**

25 Admit that YOU accessed the FCEBOOK WEBSITE while in the United  
26 States in order to develop at least one of the STUDIVZ WEBSITES or their  
27 predecessors.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

2 StudiVZ hereby incorporates by reference the general objections set forth  
3 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
4 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
5 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
6 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
7 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
8 that the definitions of “YOU” and “STUDIVZ WEBSITES” are grossly overbroad.  
9 StudiVZ further objects to this RFA on the grounds that it is unlimited as to time,  
10 and is so overbroad as to be unduly burdensome and harassing. StudiVZ further  
11 objects to this RFA on the grounds that it seeks information that is not relevant nor  
12 reasonably calculated to lead to the discovery of admissible evidence.

13 StudiVZ further objects to this RFA on the grounds that, in granting in part  
14 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to  
15 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
16 Court made its decision based upon the then-pending discovery requests. Likewise,  
17 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal  
18 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing  
19 discovery and the disputes related thereto. Had Facebook been upfront with the  
20 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
21 propound six additional sets of discovery (including more document demands to  
22 StudiVZ than had been propounded before) a few days after the Court issued its  
23 ruling, StudiVZ would have opposed Facebook’s request to continue even the  
24 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ  
25 believes that the Court would have ruled differently and would have denied all of  
26 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
27 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
28 over four months ago (when Facebook propounded its other discovery), and (2) why

1 StudiVZ should have to respond to an RFA the response to which would have been  
2 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
3 hearing date was selected in consultation with Facebook so that Facebook would  
4 have many months to take jurisdictional discovery.

5

6 **REQUEST FOR ADMISSION NO. 8:**

7 Admit that STUDIVZ founder Ehssan Dariani accessed the FACEBOOK  
8 WEBSITE in order to develop at least one of the STUDIVZ WEBSITES or their  
9 predecessors.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

11 StudiVZ hereby incorporates by reference the general objections set forth  
12 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
13 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
14 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
15 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
16 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
17 that the definition of "STUDIVZ WEBSITES" is grossly overbroad. StudiVZ  
18 further objects to this RFA on the grounds that it is unlimited as to time, and is so  
19 overbroad as to be unduly burdensome and harassing. StudiVZ further objects to  
20 this RFA on the grounds that it seeks information that is not relevant nor reasonably  
21 calculated to lead to the discovery of admissible evidence.

22 StudiVZ further objects to this RFA on the grounds that, in granting in part  
23 Facebook's request for a continuance on the hearing for StudiVZ's Motion to  
24 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
25 Court made its decision based upon the then-pending discovery requests. Likewise,  
26 StudiVZ did not oppose Facebook's request to continue the hearing on the personal  
27 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing  
28 discovery and the disputes related thereto. Had Facebook been upfront with the

1 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
2 propound six additional sets of discovery (including more document demands to  
3 StudiVZ than had been propounded before) a few days after the Court issued its  
4 ruling, StudiVZ would have opposed Facebook's request to continue even the  
5 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ  
6 believes that the Court would have ruled differently and would have denied all of  
7 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
8 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
9 over four months ago (when Facebook propounded its other discovery), and (2) why  
10 StudiVZ should have to respond to an RFA the response to which would have been  
11 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
12 hearing date was selected in consultation with Facebook so that Facebook would  
13 have many months to take jurisdictional discovery.

14

**REQUEST FOR ADMISSION NO. 9:**

15 Admit that STUDIVZ founder Dennis Demmann accessed the FACEBOOK  
16 WEBSITE in order to develop at least one of the STUDIVZ WEBSITES or their  
17 predecessors.

18

**RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

19 StudiVZ hereby incorporates by reference the general objections set forth  
20 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
21 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
22 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
23 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
24 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
25 that the definition of "STUDIVZ WEBSITES" is grossly overbroad. StudiVZ  
26 further objects to this RFA on the grounds that it is unlimited as to time, and is so  
27 overbroad as to be unduly burdensome and harassing. StudiVZ further objects to

1 this RFA on the grounds that it seeks information that is not relevant nor reasonably  
2 calculated to lead to the discovery of admissible evidence.

3 StudiVZ further objects to this RFA on the grounds that, in granting in part  
4 Facebook's request for a continuance on the hearing for StudiVZ's Motion to  
5 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
6 Court made its decision based upon the then-pending discovery requests. Likewise,  
7 StudiVZ did not oppose Facebook's request to continue the hearing on the personal  
8 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing  
9 discovery and the disputes related thereto. Had Facebook been upfront with the  
10 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
11 propound six additional sets of discovery (including more document demands to  
12 StudiVZ than had been propounded before) a few days after the Court issued its  
13 ruling, StudiVZ would have opposed Facebook's request to continue even the  
14 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ  
15 believes that the Court would have ruled differently and would have denied all of  
16 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
17 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
18 over four months ago (when Facebook propounded its other discovery), and (2) why  
19 StudiVZ should have to respond to an RFA the response to which would have been  
20 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
21 hearing date was selected in consultation with Facebook so that Facebook would  
22 have many months to take jurisdictional discovery.

23  
24 **REQUEST FOR ADMISSION NO. 10:**

25 Admit that SUTDIVZ founder Ehssan Dariani accessed the FACEBOOK  
26 WEBSITE to copy the layout of the FACEBOOK WEBSITE.  
27  
28

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

2 StudiVZ hereby incorporates by reference the general objections set forth  
3 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
4 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
5 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
6 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
7 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
8 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and  
9 harassing. StudiVZ further objects to this RFA on the grounds that it seeks  
10 information that is not relevant nor reasonably calculated to lead to the discovery of  
11 admissible evidence.

12 StudiVZ further objects to this RFA on the grounds that, in granting in part  
13 Facebook's request for a continuance on the hearing for StudiVZ's Motion to  
14 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
15 Court made its decision based upon the then-pending discovery requests. Likewise,  
16 StudiVZ did not oppose Facebook's request to continue the hearing on the personal  
17 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing  
18 discovery and the disputes related thereto. Had Facebook been upfront with the  
19 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
20 propound six additional sets of discovery (including more document demands to  
21 StudiVZ than had been propounded before) a few days after the Court issued its  
22 ruling, StudiVZ would have opposed Facebook's request to continue even the  
23 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ  
24 believes that the Court would have ruled differently and would have denied all of  
25 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
26 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
27 over four months ago (when Facebook propounded its other discovery), and (2) why  
28 StudiVZ should have to respond to an RFA the response to which would have been

1 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
2 hearing date was selected in consultation with Facebook so that Facebook would  
3 have many months to take jurisdictional discovery.

4

5 **REQUEST FOR ADMISSION NO. 11:**

6 Admit that STUDIVZ founder Dennis Bemann accessed the FACEBOOK  
7 WEBSITE to copy the layout of the FACEBOOK WEBSITE.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

9 StudiVZ hereby incorporates by reference the general objections set forth  
10 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
11 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
12 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
13 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
14 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
15 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and  
16 harassing. StudiVZ further objects to this RFA on the grounds that it seeks  
17 information that is not relevant nor reasonably calculated to lead to the discovery of  
18 admissible evidence.

19 StudiVZ further objects to this RFA on the grounds that, in granting in part  
20 Facebook's request for a continuance on the hearing for StudiVZ's Motion to  
21 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
22 Court made its decision based upon the then-pending discovery requests. Likewise,  
23 StudiVZ did not oppose Facebook's request to continue the hearing on the personal  
24 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing  
25 discovery and the disputes related thereto. Had Facebook been upfront with the  
26 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
27 propound six additional sets of discovery (including more document demands to  
28 StudiVZ than had been propounded before) a few days after the Court issued its

1 ruling, StudiVZ would have opposed Facebook's request to continue even the  
2 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ  
3 believes that the Court would have ruled differently and would have denied all of  
4 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
5 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
6 over four months ago (when Facebook propounded its other discovery), and (2) why  
7 StudiVZ should have to respond to an RFA the response to which would have been  
8 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
9 hearing date was selected in consultation with Facebook so that Facebook would  
10 have many months to take jurisdictional discovery.

11

12 **REQUEST FOR ADMISSION NO. 12:**

13 Admit that YOU accessed the FACEBOOK WEBSITE to copy the layout of  
14 the FACEBOOK WEBSITE.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

16 StudiVZ hereby incorporates by reference the general objections set forth  
17 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
18 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
19 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
20 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
21 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
22 that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this  
23 RFA on the grounds that it is unlimited as to time, and is so overbroad as to be  
24 unduly burdensome and harassing. StudiVZ further objects to this RFA on the  
25 grounds that it seeks information that is not relevant nor reasonably calculated to  
26 lead to the discovery of admissible evidence.

27 StudiVZ further objects to this RFA on the grounds that, in granting in part  
28 Facebook's request for a continuance on the hearing for StudiVZ's Motion to

1 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
2 Court made its decision based upon the then-pending discovery requests. Likewise,  
3 StudiVZ did not oppose Facebook's request to continue the hearing on the personal  
4 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing  
5 discovery and the disputes related thereto. Had Facebook been upfront with the  
6 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
7 propound six additional sets of discovery (including more document demands to  
8 StudiVZ than had been propounded before) a few days after the Court issued its  
9 ruling, StudiVZ would have opposed Facebook's request to continue even the  
10 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ  
11 believes that the Court would have ruled differently and would have denied all of  
12 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
13 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
14 over four months ago (when Facebook propounded its other discovery), and (2) why  
15 StudiVZ should have to respond to an RFA the response to which would have been  
16 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
17 hearing date was selected in consultation with Facebook so that Facebook would  
18 have many months to take jurisdictional discovery.

19

20 **REQUEST FOR ADMISSION NO. 13:**

21 Admit that STUDIVZ founder Ehssan Dariani accessed the FACEBOOK  
22 WEBSITE to copy the functions of the FACEBOOK WEBSITE, including, but not  
23 limited to, the FACEBOOK WEBSITE "Poke" or "Wall" features.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

25 StudiVZ hereby incorporates by reference the general objections set forth  
26 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
27 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
28 do so, Facebook must either make a *prima facie* showing of jurisdiction over

1 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
2 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
3 that the term “functions” is vague and ambiguous. StudiVZ further objects to this  
4 RFA on the grounds that it is compound. StudiVZ further objects to this RFA on  
5 the grounds that it is unlimited as to time, and is so overbroad as to be unduly  
6 burdensome and harassing. StudiVZ further objects to this RFA on the grounds  
7 that it seeks information that is not relevant nor reasonably calculated to lead to the  
8 discovery of admissible evidence.

9 StudiVZ further objects to this RFA on the grounds that, in granting in part  
10 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to  
11 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
12 Court made its decision based upon the then-pending discovery requests. Likewise,  
13 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal  
14 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing  
15 discovery and the disputes related thereto. Had Facebook been upfront with the  
16 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
17 propound six additional sets of discovery (including more document demands to  
18 StudiVZ than had been propounded before) a few days after the Court issued its  
19 ruling, StudiVZ would have opposed Facebook’s request to continue even the  
20 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ  
21 believes that the Court would have ruled differently and would have denied all of  
22 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
23 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
24 over four months ago (when Facebook propounded its other discovery), and (2) why  
25 StudiVZ should have to respond to an RFA the response to which would have been  
26 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which  
27 hearing date was selected in consultation with Facebook so that Facebook would  
28 have many months to take jurisdictional discovery.

1 **REQUEST FOR ADMISSION NO. 14:**

2 Admit that STUDIVZ founder Dennis Bemann accessed the FACEBOOK  
3 WEBSITE to copy the functions of the FACEBOOK WEBSITE, including, but not  
4 limited to, the FACEBOOK WEBSITE “Poke” or “Wall” features.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

6 StudiVZ hereby incorporates by reference the general objections set forth  
7 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
8 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
9 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
10 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
11 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
12 that the term “functions” is vague and ambiguous. StudiVZ further objects to this  
13 RFA on the grounds that it is compound. StudiVZ further objects to this RFA on  
14 the grounds that it is unlimited as to time, and is so overbroad as to be unduly  
15 burdensome and harassing. StudiVZ further objects to this RFA on the grounds  
16 that it seeks information that is not relevant nor reasonably calculated to lead to the  
17 discovery of admissible evidence.

18 StudiVZ further objects to this RFA on the grounds that, in granting in part  
19 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to  
20 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
21 Court made its decision based upon the then-pending discovery requests. Likewise,  
22 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal  
23 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing  
24 discovery and the disputes related thereto. Had Facebook been upfront with the  
25 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
26 propound six additional sets of discovery (including more document demands to  
27 StudiVZ than had been propounded before) a few days after the Court issued its  
28 ruling, StudiVZ would have opposed Facebook’s request to continue even the

1 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ  
2 believes that the Court would have ruled differently and would have denied all of  
3 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
4 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
5 over four months ago (when Facebook propounded its other discovery), and (2) why  
6 StudiVZ should have to respond to an RFA the response to which would have been  
7 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
8 hearing date was selected in consultation with Facebook so that Facebook would  
9 have many months to take jurisdictional discovery.

10  
11 **REQUEST FOR ADMISSION NO. 15:**

12 Admit that YOU accessed the FACEBOOK WEBSITE to copy the functions  
13 of the FACEBOOK WEBSITE, including, but not limited to, the FACEBOOK  
14 WEBSITE "Poke" or "Wall" features..

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

16 StudiVZ hereby incorporates by reference the general objections set forth  
17 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
18 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
19 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
20 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
21 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
22 that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this  
23 RFA on the grounds that the term "functions" is vague and ambiguous. StudiVZ further  
24 objects to this RFA on the grounds that it is compound. StudiVZ further  
25 objects to this RFA on the grounds that it is unlimited as to time, and is so  
26 overbroad as to be unduly burdensome and harassing. StudiVZ further objects to  
27 this RFA on the grounds that it seeks information that is not relevant nor reasonably  
28 calculated to lead to the discovery of admissible evidence.

StudiVZ further objects to this RFA on the grounds that, in granting in part Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District Court made its decision based upon the then-pending discovery requests. Likewise, StudiVZ did not oppose Facebook’s request to continue the hearing on the personal jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing discovery and the disputes related thereto. Had Facebook been upfront with the Court and StudiVZ and disclosed the fact that Facebook secretly planned to propound six additional sets of discovery (including more document demands to StudiVZ than had been propounded before) a few days after the Court issued its ruling, StudiVZ would have opposed Facebook’s request to continue even the personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ believes that the Court would have ruled differently and would have denied all of the relief requested by Facebook. StudiVZ further objects to this RFA on the grounds that Facebook has failed to explain (1) why this RFA was not propounded over four months ago (when Facebook propounded its other discovery), and (2) why StudiVZ should have to respond to an RFA the response to which would have been due long after the original hearing date of StudiVZ’s Motion to Dismiss, which hearing date was selected in consultation with Facebook so that Facebook would have many months to take jurisdictional discovery.

## **REQUEST FOR ADMISSION NO. 16:**

Admit that all USERS OF STUDIVZ are required to agree to a terms of use agreement prior to receiving full access to the STUDIVZ WEBSITES, their networks or their features.

## **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

StudiVZ hereby incorporates by reference the general objections set forth above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not

1 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
2 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
3 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
4 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
5 that the definitions of “USERS OF STUDIVZ” and “STUDIVZ WEBSITES” are  
6 grossly overbroad. StudiVZ further objects to this RFA on the grounds that it is  
7 compound. StudiVZ further objects to this RFA on the grounds that it is unlimited  
8 as to time, and is so overbroad as to be unduly burdensome and harassing. StudiVZ  
9 further objects to this RFA on the grounds that it seeks information that is not  
10 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

11 StudiVZ further objects to this RFA on the grounds that, in granting in part  
12 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to  
13 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
14 Court made its decision based upon the then-pending discovery requests. Likewise,  
15 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal  
16 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing  
17 discovery and the disputes related thereto. Had Facebook been upfront with the  
18 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
19 propound six additional sets of discovery (including more document demands to  
20 StudiVZ than had been propounded before) a few days after the Court issued its  
21 ruling, StudiVZ would have opposed Facebook’s request to continue even the  
22 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ  
23 believes that the Court would have ruled differently and would have denied all of  
24 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
25 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
26 over four months ago (when Facebook propounded its other discovery), and (2) why  
27 StudiVZ should have to respond to an RFA the response to which would have been  
28 due long after the original hearing date of StudiVZ’s Motion to Dismiss, which

1 hearing date was selected in consultation with Facebook so that Facebook would  
2 have many months to take jurisdictional discovery.

3

4 **REQUEST FOR ADMISSION NO. 17:**

5 Admit that since October 2005, COMPUTER CODE for at least one of the  
6 STUDIVZ WEBSITES was or has been altered to account for USERS OF  
7 STUDIVZ residing in the United States, including, but not limited to, the state of  
8 California.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

10 StudiVZ hereby incorporates by reference the general objections set forth  
11 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
12 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
13 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
14 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
15 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
16 that the definitions of “STUDIVZ WEBSITES” and “USERS OF STUDIVZ” are  
17 grossly overbroad. StudiVZ further objects to this RFA on the grounds that it is  
18 unlimited as to time, and is so overbroad as to be unduly burdensome and  
19 harassing. StudiVZ further objects to this RFA on the grounds that it seeks  
20 information that is not relevant nor reasonably calculated to lead to the discovery of  
21 admissible evidence.

22 StudiVZ further objects to this RFA on the grounds that, in granting in part  
23 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to  
24 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
25 Court made its decision based upon the then-pending discovery requests. Likewise,  
26 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal  
27 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing  
28 discovery and the disputes related thereto. Had Facebook been upfront with the

1 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
2 propound six additional sets of discovery (including more document demands to  
3 StudiVZ than had been propounded before) a few days after the Court issued its  
4 ruling, StudiVZ would have opposed Facebook's request to continue even the  
5 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ  
6 believes that the Court would have ruled differently and would have denied all of  
7 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
8 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
9 over four months ago (when Facebook propounded its other discovery), and (2) why  
10 StudiVZ should have to respond to an RFA the response to which would have been  
11 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
12 hearing date was selected in consultation with Facebook so that Facebook would  
13 have many months to take jurisdictional discovery.

14

15 **REQUEST FOR ADMISSION NO. 18:**

16 Admit that STUDIVZ's business, income, revenue or profit models rely, at  
17 least in part, on income from advertising, including, but not limited to,  
18 advertisements and advertisement banners placed on the STUDIVZ WEBSITES.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

20 StudiVZ hereby incorporates by reference the general objections set forth  
21 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
22 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
23 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
24 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
25 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
26 that the definitions of "STUDIVZ" and "STUDIVZ WEBSITES" are grossly  
27 overbroad. StudiVZ further objects to this RFA on the grounds that it is compound.  
28 StudiVZ further objects to this RFA on the grounds that it is unlimited as to time,

1 and is so overbroad as to be unduly burdensome and harassing. StudiVZ further  
2 objects to this RFA on the grounds that it seeks information that is not relevant nor  
3 reasonably calculated to lead to the discovery of admissible evidence.

4 StudiVZ further objects to this RFA on the grounds that, in granting in part  
5 Facebook's request for a continuance on the hearing for StudiVZ's Motion to  
6 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
7 Court made its decision based upon the then-pending discovery requests. Likewise,  
8 StudiVZ did not oppose Facebook's request to continue the hearing on the personal  
9 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing  
10 discovery and the disputes related thereto. Had Facebook been upfront with the  
11 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
12 propound six additional sets of discovery (including more document demands to  
13 StudiVZ than had been propounded before) a few days after the Court issued its  
14 ruling, StudiVZ would have opposed Facebook's request to continue even the  
15 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ  
16 believes that the Court would have ruled differently and would have denied all of  
17 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
18 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
19 over four months ago (when Facebook propounded its other discovery), and (2) why  
20 StudiVZ should have to respond to an RFA the response to which would have been  
21 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
22 hearing date was selected in consultation with Facebook so that Facebook would  
23 have many months to take jurisdictional discovery.

24  
25 **REQUEST FOR ADMISSION NO. 19:**

26 Admit that the number of USERS OF STUDIVZ is a factor taken into  
27 account by YOU when negotiating the cost of advertising on at least one of the  
28 STUDIVZ WEBSITES.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

2 StudiVZ hereby incorporates by reference the general objections set forth  
3 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
4 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
5 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
6 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
7 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
8 that the definitions of “USERS OF STUDIVZ,” “YOU” and “STUDIVZ  
9 WEBSITES” are grossly overbroad. StudiVZ further objects to this RFA on the  
10 grounds that it is unlimited as to time, and is so overbroad as to be unduly  
11 burdensome and harassing. StudiVZ further objects to this RFA on the grounds  
12 that it seeks information that is not relevant nor reasonably calculated to lead to the  
13 discovery of admissible evidence.

14 StudiVZ further objects to this RFA on the grounds that, in granting in part  
15 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to  
16 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
17 Court made its decision based upon the then-pending discovery requests. Likewise,  
18 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal  
19 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing  
20 discovery and the disputes related thereto. Had Facebook been upfront with the  
21 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
22 propound six additional sets of discovery (including more document demands to  
23 StudiVZ than had been propounded before) a few days after the Court issued its  
24 ruling, StudiVZ would have opposed Facebook’s request to continue even the  
25 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ  
26 believes that the Court would have ruled differently and would have denied all of  
27 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
28 grounds that Facebook has failed to explain (1) why this RFA was not propounded

1 over four months ago (when Facebook propounded its other discovery), and (2) why  
2 StudiVZ should have to respond to an RFA the response to which would have been  
3 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
4 hearing date was selected in consultation with Facebook so that Facebook would  
5 have many months to take jurisdictional discovery.

6

7 **REQUEST FOR ADMISSION NO. 20:**

8 Admit that STUDIVZ's revenue is based, at least in part, on the total number  
9 of USERS OF STUDIVZ.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

11 StudiVZ hereby incorporates by reference the general objections set forth  
12 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
13 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
14 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
15 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
16 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
17 that the definitions of "STUDIVZ" and "USERS OF STUDIVZ" are grossly  
18 overbroad. StudiVZ further objects to this RFA on the grounds that it is unlimited  
19 as to time, and is so overbroad as to be unduly burdensome and harassing. StudiVZ  
20 further objects to this RFA on the grounds that it seeks information that is not  
21 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

22 StudiVZ further objects to this RFA on the grounds that, in granting in part  
23 Facebook's request for a continuance on the hearing for StudiVZ's Motion to  
24 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
25 Court made its decision based upon the then-pending discovery requests. Likewise,  
26 StudiVZ did not oppose Facebook's request to continue the hearing on the personal  
27 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing  
28 discovery and the disputes related thereto. Had Facebook been upfront with the

1 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
2 propound six additional sets of discovery (including more document demands to  
3 StudiVZ than had been propounded before) a few days after the Court issued its  
4 ruling, StudiVZ would have opposed Facebook's request to continue even the  
5 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ  
6 believes that the Court would have ruled differently and would have denied all of  
7 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
8 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
9 over four months ago (when Facebook propounded its other discovery), and (2) why  
10 StudiVZ should have to respond to an RFA the response to which would have been  
11 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
12 hearing date was selected in consultation with Facebook so that Facebook would  
13 have many months to take jurisdictional discovery.

14

15 **REQUEST FOR ADMISSION NO. 21:**

16 Admit that at least one of the STUDIVZ WEBSITES was modeled after the  
17 FACEBOOK WEBSITE.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

19 StudiVZ hereby incorporates by reference the general objections set forth  
20 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
21 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
22 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
23 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
24 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
25 that the definition of "STUDIVZ WEBSITES" is grossly overbroad. StudiVZ  
26 further objects to this RFA on the grounds that the term "modeled" is vague and  
27 ambiguous. StudiVZ further objects to this RFA on the grounds that it is unlimited  
28 as to time, and is so overbroad as to be unduly burdensome and harassing. StudiVZ

1 further objects to this RFA on the grounds that it seeks information that is not  
2 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

3 StudiVZ further objects to this RFA on the grounds that, in granting in part  
4 Facebook's request for a continuance on the hearing for StudiVZ's Motion to  
5 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
6 Court made its decision based upon the then-pending discovery requests. Likewise,  
7 StudiVZ did not oppose Facebook's request to continue the hearing on the personal  
8 jurisdiction portion of StudiVZ's Motion to Dismiss based upon the existing  
9 discovery and the disputes related thereto. Had Facebook been upfront with the  
10 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
11 propound six additional sets of discovery (including more document demands to  
12 StudiVZ than had been propounded before) a few days after the Court issued its  
13 ruling, StudiVZ would have opposed Facebook's request to continue even the  
14 personal jurisdiction portion of StudiVZ's Motion to Dismiss, and StudiVZ  
15 believes that the Court would have ruled differently and would have denied all of  
16 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
17 grounds that Facebook has failed to explain (1) why this RFA was not propounded  
18 over four months ago (when Facebook propounded its other discovery), and (2) why  
19 StudiVZ should have to respond to an RFA the response to which would have been  
20 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
21 hearing date was selected in consultation with Facebook so that Facebook would  
22 have many months to take jurisdictional discovery.

23

24 **REQUEST FOR ADMISSION NO. 22:**

25 Admit that YOU have accessed the FACEBOOK WEBSITE for commercial  
26 purposes.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

2 StudiVZ hereby incorporates by reference the general objections set forth  
3 above. StudiVZ further objects to this RFA on the grounds that a plaintiff is not  
4 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
5 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
6 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
7 Facebook has done neither. StudiVZ further objects to this RFA on the grounds  
8 that the definition of “YOU” is grossly overbroad. StudiVZ further objects to this  
9 RFA on the grounds that the phrase “commercial purposes” is vague and  
10 ambiguous. StudiVZ further objects to this RFA on the grounds that it is unlimited  
11 as to time, and is so overbroad as to be unduly burdensome and harassing. StudiVZ  
12 further objects to this RFA on the grounds that it seeks information that is not  
13 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

14 StudiVZ further objects to this RFA on the grounds that, in granting in part  
15 Facebook’s request for a continuance on the hearing for StudiVZ’s Motion to  
16 Dismiss for lack of personal jurisdiction and *forum non conveniens*, the District  
17 Court made its decision based upon the then-pending discovery requests. Likewise,  
18 StudiVZ did not oppose Facebook’s request to continue the hearing on the personal  
19 jurisdiction portion of StudiVZ’s Motion to Dismiss based upon the existing  
20 discovery and the disputes related thereto. Had Facebook been upfront with the  
21 Court and StudiVZ and disclosed the fact that Facebook secretly planned to  
22 propound six additional sets of discovery (including more document demands to  
23 StudiVZ than had been propounded before) a few days after the Court issued its  
24 ruling, StudiVZ would have opposed Facebook’s request to continue even the  
25 personal jurisdiction portion of StudiVZ’s Motion to Dismiss, and StudiVZ  
26 believes that the Court would have ruled differently and would have denied all of  
27 the relief requested by Facebook. StudiVZ further objects to this RFA on the  
28 grounds that Facebook has failed to explain (1) why this RFA was not propounded

1 over four months ago (when Facebook propounded its other discovery), and (2) why  
2 StudiVZ should have to respond to an RFA the response to which would have been  
3 due long after the original hearing date of StudiVZ's Motion to Dismiss, which  
4 hearing date was selected in consultation with Facebook so that Facebook would  
5 have many months to take jurisdictional discovery.

6 DATED: March 4, 2009

7 GREENBERG GLUSKER FIELDS  
8 CLAMAN & MACHTINGER LLP

9 By:   
10 STEPHEN S. SMITH (SBN 166539)  
11 Attorneys for Defendant StudiVZ Ltd.

**PROOF OF SERVICE**  
CCP §1011, CCP §1013a(3)

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is 1900 Avenue of the Stars, Suite 2100, Los Angeles, California 90067-4590.

On March 4, 2009, I served the foregoing document described as **STUDIVZ LTD.'S RESPONSES TO FACEBOOK, INC.'S FIRST SET OF REQUESTS FOR ADMISSION** on the interested parties in this action

by placing  the original  a true copy thereof enclosed in sealed envelopes addressed as follows:

Thomas Gray, Esq. (**ORIGINAL**)  
tgray@orrick.com  
Orrick, Herrington & Sutcliffe LLP  
4 Park Plaza, Suite 1600  
Irvine, CA 92614-2558

Attorneys for Plaintiff Facebook, Inc.

Gary E. Weiss, Esq. (**COPY**)  
gweiss@orrick.com  
Orrick, Herrington & Sutcliffe LLP  
1000 Marsh Road  
Menlo Park, CA 94025

**BY U.S. MAIL:**

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on March 4, 2009, at Los Angeles, California.

**BY PERSONAL SERVICE:**

I delivered such envelope by hand to the offices of the addressee.

Executed on \_\_\_\_\_, at Los Angeles, California.

(Fed) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Aaron B. Bloom

Anna B.  
SIGNATURE

**SIGNATURE**

1 STEPHEN S. SMITH (SBN 166539)  
2 [SSmith@GreenbergGlusker.com](mailto:SSmith@GreenbergGlusker.com)  
3 WILLIAM M. WALKER (SBN 145559)  
4 [WWalker@GreenbergGlusker.com](mailto:WWalker@GreenbergGlusker.com)  
5 AARON J. MOSS (SBN 190625)  
6 [AMoss@GreenbergGlusker.com](mailto:AMoss@GreenbergGlusker.com)  
7 GREENBERG GLUSKER FIELDS  
8 CLAMAN & MACHTINGER LLP  
9 1900 Avenue of the Stars, 21st Floor  
10 Los Angeles, California 90067-4590  
11 Telephone: 310.553.3610  
12 Fax: 310.553.0687

13  
14 Attorneys for Defendant  
15 Holtzbrinck Networks GmbH

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28  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FACEBOOK, INC.,  
Plaintiff,  
v.  
STUDIVZ LTD., HOLTZBRINCK  
NETWORKS GmbH,  
HOLTZBRINCK VENTURES  
GmbH, and DOES 1-25,  
Defendants.

Case No. 5:08-CV-03468 JF  
Assigned To: Honorable Jeremy Fogel  
**HOLTZBRINCK NETWORKS  
GmbH'S RESPONSES TO  
FACEBOOK, INC.'S FIRST SET OF  
REQUESTS FOR ADMISSION**  
Complaint Filed: July 18, 2008

PROPOUNDING PARTY: FACEBOOK, INC.  
RESPONDING PARTY: HOLTZBRINCK NETWORKS GmbH  
SET NUMBER: ONE

## **I. GENERAL OBJECTIONS**

A. Holtzbrinck Networks GmbH (“Networks”) objects to the Requests for Admission (“RFAs”) on the grounds that Facebook seeks the right to use evidence obtained in this action in the action pending between Facebook and StudiVZ in Germany (the “German Action”). It is improper under established law to use this lawsuit or this Court as vehicles to obtain discovery for use in a foreign case when that evidence is located outside the United States, as it is here. It is also inconsistent with the District Court’s form protective order.

B. Networks objects to the RFAs on the grounds that they seek discovery that is not reasonably related to pertinent disputed personal jurisdictional or *forum non conveniens* issues, which is improper given that there are currently pending motions to dismiss all defendants for lack of personal jurisdiction and *forum non conveniens*.

C. Networks objects to the RFAs to the extent that they would require violation of the privacy rights of its employees and its customers as embodied in German and European Union law, including but not limited to the German Constitution and the German Federal Data Protection Act (BDSG), the German Telecommunications Act (TKG), the German Tele Services Data Protection Act (TDDSG), the European Community Data Protection Directive 95/46/EC, Data Protection Directive for Electronic Communication 2002/58/EC and the E-Commerce Directive 2000/31/EC.

D. Networks objects to the RFAs on the grounds that “HOLTZBRINCK NETWORKS or HNG” is defined as “defendant Holtzbrinck Networks GmbH and its directors, officers, subsidiaries, predecessors, successors, assigns, agents,

1 servants, employees, investigators, attorneys, AND ALL other persons and entities  
2 representing it acting on its behalf.” This definition is improperly overbroad  
3 generally, and is particularly so given that the discovery purports to relate personal  
4 jurisdiction, since in establishing jurisdiction discovery must be directed only at the  
5 party over whom jurisdiction is being asserted.

6  
7 E. Networks objects to the RFAs to the extent they seek information that  
8 is protected from disclosure by the attorney-client privilege, the attorney work  
9 product doctrine, the right of privacy and/or any other applicable privileges,  
10 doctrines, or immunity from disclosure.

11  
12 F. Networks further objects to the RFAs to the extent they attempt or  
13 purport to impose obligations on Networks beyond those set forth in the Federal  
14 Rules of Civil Procedure and the Hague Convention of 18 March 1970 on the  
15 Taking of Evidence Abroad in Civil or Commercial Matters (“Hague Evidence  
16 Convention”) as interpreted and enforced under German law. All definitions and  
17 instructions will be treated as having no force or effect to the extent they purport to  
18 impose obligations on Networks beyond those set forth in the Federal Rules of  
19 Civil Procedure and the Hague Evidence Convention as interpreted and enforced  
20 under German law.

21  
22 **REQUEST FOR ADMISSION NO. 1:**

23 Admit that at the time YOU acquired an interest in STUDIVZ you were aware  
24 of accusations by FACEBOOK that STUDIVZ was infringing FACEBOOK’S legal  
25 rights, including, but not limited to, intellectual property rights.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

27 Networks hereby incorporates by reference the general objections set forth  
28 above. Networks further objects to this RFA on the grounds that a plaintiff is not

1 entitled to take discovery on personal jurisdiction as a matter of right. In order to do  
2 so, Facebook must either make a *prima facie* showing of jurisdiction over Networks,  
3 or it must identify material jurisdictional issues that are in dispute. Facebook has  
4 done neither. Networks further objects to this RFA on the grounds that there is no  
5 definition of “YOU” despite plaintiff writing the word in all capital letters. Networks  
6 further objects to this RFA on the grounds that, to the extent that the RFA is directed  
7 to Holtzbrinck Networks GmbH, the definition of “HOLTZBRINCK NETWORKS  
8 or HNG” is overly broad and unduly burdensome. Networks further objects to this  
9 RFA on the grounds that it seeks information that is not relevant nor reasonably  
10 calculated to lead to the discovery of admissible evidence. Networks further objects  
11 to this RFA on the grounds that it is vague and ambiguous, and not limited, with  
12 respect to the timeframe of any accusations by Facebook.

13 Networks further objects to this RFA on the grounds that it is moot. Namely,  
14 Facebook has already filed its opposition to Networks’ motion to dismiss for lack of  
15 personal jurisdiction and *forum non conveniens*, and these RFAs are specifically  
16 identified as being “relating to personal jurisdiction.” In its request to continue the  
17 hearings on that and other motions, Facebook asked the District Court to allow it to  
18 file supplemental opposition papers with respect to *both* StudiVZ’s Motion to  
19 Dismiss and the Holtzbrinck defendants’ Motion to Dismiss. (Docket No. 77 at  
20 1:25-2:3; Docket No. 77-2). Because the District Court found that Facebook failed  
21 to demonstrate any reason to continue the hearing as to the Holtzbrinck defendants  
22 (Order at 2:15-17) (Docket No. 92), it denied Facebook’s request to file a  
23 supplemental brief with respect to either of the Holtzbrinck defendants. (Order at  
24 2:20-22) (Docket No. 92) (ruling that Facebook would only be “permitted to file a  
25 supplemental opposition with respect to whether this Court has personal jurisdiction  
26 over StudiVZ in light of any newly discovered material”).

1 **REQUEST FOR ADMISSION NO. 2:**

2 Admit that YOU have knowledge that STUDIVZ accessed the FACEBOOK  
3 WEBSITE for commercial purposes.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

5 Networks hereby incorporates by reference the general objections set forth  
6 above. Networks further objects to this RFA on the grounds that a plaintiff is not  
7 entitled to take discovery on personal jurisdiction as a matter of right. In order to do  
8 so, Facebook must either make a *prima facie* showing of jurisdiction over Networks,  
9 or it must identify material jurisdictional issues that are in dispute. Facebook has  
10 done neither. Networks further objects to this RFA on the grounds that there is no  
11 definition of “YOU” despite plaintiff writing the word in all capital letters. Networks  
12 further objects to this RFA on the grounds that, to the extent that the RFA is directed  
13 to Holtzbrinck Networks GmbH, the definition of “HOLTZBRINCK NETWORKS  
14 or HNG” is overly broad and unduly burdensome. Networks further objects to this  
15 RFA on the grounds that the phrase “commercial purposes” is vague and ambiguous,  
16 and on the grounds that it is vague and ambiguous, and not limited, with respect to  
17 timeframe. Networks further objects to this RFA on the grounds that it seeks  
18 information that is not relevant nor reasonably calculated to lead to the discovery of  
19 admissible evidence.

20 Networks further objects to this RFA on the grounds that it is moot. Namely,  
21 Facebook has already filed its opposition to Networks’ motion to dismiss for lack of  
22 personal jurisdiction and *forum non conveniens*, and these RFAs are specifically  
23 identified as being “relating to personal jurisdiction.” In its request to continue the  
24 hearings on that and other motions, Facebook asked the District Court to allow it to  
25 file supplemental opposition papers with respect to *both* StudiVZ’s Motion to  
26 Dismiss and the Holtzbrinck defendants’ Motion to Dismiss. (Docket No. 77 at  
27 1:25-2:3; Docket No. 77-2). Because the District Court found that Facebook failed  
28 to demonstrate any reason to continue the hearing as to the Holtzbrinck defendants

1 (Order at 2:15-17) (Docket No. 92), it denied Facebook's request to file a  
2 supplemental brief with respect to either of the Holtzbrinck defendants. (Order at  
3 2:20-22) (Docket No. 92) (ruling that Facebook would only be "permitted to file a  
4 supplemental opposition with respect to whether this Court has personal jurisdiction  
5 over StudiVZ in light of any newly discovered material").

6

7 **REQUEST FOR ADMISSION NO. 3:**

8 Admit that YOU have knowledge that STUDIVZ accessed the FACEBOOK  
9 WEBSITE for the purpose of modeling at least one of the STUDIVZ WEBSITES  
10 after the FACEBOOK WEBSITE.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

12 Networks hereby incorporates by reference the general objections set forth  
13 above. Networks further objects to this RFA on the grounds that a plaintiff is not  
14 entitled to take discovery on personal jurisdiction as a matter of right. In order to do  
15 so, Facebook must either make a *prima facie* showing of jurisdiction over Networks,  
16 or it must identify material jurisdictional issues that are in dispute. Facebook has  
17 done neither. Networks further objects to this RFA on the grounds that there is no  
18 definition of "YOU" despite plaintiff writing the word in all capital letters. Networks  
19 further objects to this RFA on the grounds that, to the extent that the RFA is directed  
20 to Holtzbrinck Networks GmbH, the definition of "HOLTZBRINCK NETWORKS  
21 or HNG" is overly broad and unduly burdensome. Networks further objects to this  
22 RFA on the grounds that it is vague and ambiguous, and not limited, with respect to  
23 timeframe. Networks further objects to this RFA on the grounds that it seeks  
24 information that is not relevant nor reasonably calculated to lead to the discovery of  
25 admissible evidence.

26 Networks further objects to this RFA on the grounds that it is moot. Namely,  
27 Facebook has already filed its opposition to Networks' motion to dismiss for lack of  
28 personal jurisdiction and *forum non conveniens*, and these RFAs are specifically

1 identified as being “relating to personal jurisdiction.” In its request to continue the  
2 hearings on that and other motions, Facebook asked the District Court to allow it to  
3 file supplemental opposition papers with respect to *both* StudiVZ’s Motion to  
4 Dismiss and the Holtzbrinck defendants’ Motion to Dismiss. (Docket No. 77 at  
5 1:25-2:3; Docket No. 77-2). Because the District Court found that Facebook failed  
6 to demonstrate any reason to continue the hearing as to the Holtzbrinck defendants  
7 (Order at 2:15-17) (Docket No. 92), it denied Facebook’s request to file a  
8 supplemental brief with respect to either of the Holtzbrinck defendants. (Order at  
9 2:20-22) (Docket No. 92) (ruling that Facebook would only be “permitted to file a  
10 supplemental opposition with respect to whether this Court has personal jurisdiction  
11 over StudiVZ in light of any newly discovered material”).

12

**REQUEST FOR ADMISSION NO. 4:**

13

14 Admit that YOU have knowledge of similarities between the FACEBOOK  
15 WEBSITE and the STUDIVZ WEBSITES, including, but not limited to, visual  
16 similarities, functional similarities, feature similarities, and layout similarities.

17

**RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

18 Networks hereby incorporates by reference the general objections set forth  
19 above. Networks further objects to this RFA on the grounds that a plaintiff is not  
20 entitled to take discovery on personal jurisdiction as a matter of right. In order to do  
21 so, Facebook must either make a *prima facie* showing of jurisdiction over Networks,  
22 or it must identify material jurisdictional issues that are in dispute. Facebook has  
23 done neither. Networks further objects to this RFA on the grounds that there is no  
24 definition of “YOU” despite plaintiff writing the word in all capital letters. Networks  
25 further objects to this RFA on the grounds that, to the extent that the RFA is directed  
26 to Holtzbrinck Networks GmbH, the definition of “HOLTZBRINCK NETWORKS  
27 or HNG” is overly broad and unduly burdensome. Networks further objects to this  
RFA on the grounds that it is compound. Networks further objects to this RFA on

1 the grounds that the term “similarities” is vague and ambiguous, especially in the  
2 context of social networking websites, which all have some level of similarity to one  
3 another. Networks further objects to this RFA on the grounds that it is vague and  
4 ambiguous, and not limited, with respect to timeframe. Networks further objects to  
5 this RFA on the grounds that it seeks information that is not relevant nor reasonably  
6 calculated to lead to the discovery of admissible evidence.

7 Networks further objects to this RFA on the grounds that it is moot. Namely,  
8 Facebook has already filed its opposition to Networks’ motion to dismiss for lack of  
9 personal jurisdiction and *forum non conveniens*, and these RFAs are specifically  
10 identified as being “relating to personal jurisdiction.” In its request to continue the  
11 hearings on that and other motions, Facebook asked the District Court to allow it to  
12 file supplemental opposition papers with respect to *both* StudiVZ’s Motion to  
13 Dismiss and the Holtzbrinck defendants’ Motion to Dismiss. (Docket No. 77 at  
14 1:25-2:3; Docket No. 77-2). Because the District Court found that Facebook failed  
15 to demonstrate any reason to continue the hearing as to the Holtzbrinck defendants  
16 (Order at 2:15-17) (Docket No. 92), it denied Facebook’s request to file a  
17 supplemental brief with respect to either of the Holtzbrinck defendants. (Order at  
18 2:20-22) (Docket No. 92) (ruling that Facebook would only be “permitted to file a  
19 supplemental opposition with respect to whether this Court has personal jurisdiction  
20 over StudiVZ in light of any newly discovered material”).

21  
22 **REQUEST FOR ADMISSION NO. 5:**

23 Admit that at the time YOU acquired an interest in STUDIVZ you were  
24 aware of similarities between the FACEBOOK WEBSITE and the STUDIVZ  
25 WEBSITES, including, but not limited to, visual similarities, functional similarities,  
26 feature similarities, and layout similarities.

27 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

28 Networks hereby incorporates by reference the general objections set forth

1 above. Networks further objects to this RFA on the grounds that a plaintiff is not  
2 entitled to take discovery on personal jurisdiction as a matter of right. In order to do  
3 so, Facebook must either make a *prima facie* showing of jurisdiction over Networks,  
4 or it must identify material jurisdictional issues that are in dispute. Facebook has  
5 done neither. Networks further objects to this RFA on the grounds that there is no  
6 definition of “YOU” despite plaintiff writing the word in all capital letters. Networks  
7 further objects to this RFA on the grounds that, to the extent that the RFA is directed  
8 to Holtzbrinck Networks GmbH, the definition of “HOLTZBRINCK NETWORKS  
9 or HNG” is overly broad and unduly burdensome. Networks further objects to this  
10 RFA on the grounds that it is compound. Networks further objects to this RFA on  
11 the grounds that the term “similarities” is vague and ambiguous, especially in the  
12 context of social networking websites, which all have some level of similarity to one  
13 another. Networks further objects to this RFA on the grounds that it is vague and  
14 ambiguous, and not limited, with respect to timeframe. Networks further objects to  
15 this RFA on the grounds that it seeks information that is not relevant nor reasonably  
16 calculated to lead to the discovery of admissible evidence. Networks further objects  
17 to this RFA on the grounds that it is vague and ambiguous, and not limited, with  
18 respect to the timeframe of any alleged similarities.

19 Networks further objects to this RFA on the grounds that it is moot. Namely,  
20 Facebook has already filed its opposition to Networks’ motion to dismiss for lack of  
21 personal jurisdiction and *forum non conveniens*, and these RFAs are specifically  
22 identified as being “relating to personal jurisdiction.” In its request to continue the  
23 hearings on that and other motions, Facebook asked the District Court to allow it to  
24 file supplemental opposition papers with respect to *both* StudiVZ’s Motion to  
25 Dismiss and the Holtzbrinck defendants’ Motion to Dismiss. (Docket No. 77 at  
26 1:25-2:3; Docket No. 77-2). Because the District Court found that Facebook failed  
27 to demonstrate any reason to continue the hearing as to the Holtzbrinck defendants  
28 (Order at 2:15-17) (Docket No. 92), it denied Facebook’s request to file a

1 supplemental brief with respect to either of the Holtzbrinck defendants. (Order at  
2 2:20-22) (Docket No. 92) (ruling that Facebook would only be “permitted to file a  
3 supplemental opposition with respect to whether this Court has personal jurisdiction  
4 over StudiVZ in light of any newly discovered material”).

5 DATED: March 4, 2009

6 GREENBERG GLUSKER FIELDS  
7 CLAMAN & MACHTINGER LLP

8 By: 

9 STEPHEN S. SMITH (SBN 166539)  
10 Attorneys for Defendant Holtzbrinck  
11 Networks GmbH

**PROOF OF SERVICE**  
CCP §1011, CCP §1013a(3)

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is 1900 Avenue of the Stars, Suite 2100, Los Angeles, California 90067-4590.

On March 4, 2009, I served the foregoing document described as **HOLTZBRINCK NETWORKS GmbH'S RESPONSES TO FACEBOOK, INC.'S FIRST SET OF REQUESTS FOR ADMISSION** on the interested parties in this action

by placing  the original  a true copy thereof enclosed in sealed envelopes addressed as follows:

Thomas Gray, Esq. (**ORIGINAL**)  
tgray@orrick.com  
Orrick, Herrington & Sutcliffe LLP  
4 Park Plaza, Suite 1600  
Irvine, CA 92614-2558

Atorneys for Plaintiff Facebook, Inc.

Gary E. Weiss, Esq. (COPY)  
gweiss@orrick.com  
Orrick, Herrington & Sutcliffe LLP  
1000 Marsh Road  
Menlo Park, CA 94025

**BY U.S. MAIL:**

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on March 4, 2009, at Los Angeles, California.

### **BY PERSONAL SERVICE:**

I delivered such envelope by hand to the offices of the addressee.

Executed on \_\_\_\_\_, at Los Angeles, California.

(Fed) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Aaron B. Bloom

  
\_\_\_\_\_  
SIGNATURE

**SIGNATURE**

1 STEPHEN S. SMITH (SBN 166539)  
2 SSmith@GreenbergGlusker.com  
3 WILLIAM M. WALKER (SBN 145559)  
4 WWalker@GreenbergGlusker.com  
5 AARON J. MOSS (SBN 190625)  
6 AMoss@GreenbergGlusker.com  
7 GREENBERG GLUSKER FIELDS  
8 CLAMAN & MACHTINGER LLP  
9 1900 Avenue of the Stars, 21st Floor  
10 Los Angeles, California 90067-4590  
11 Telephone: 310.553.3610  
12 Fax: 310.553.0687

8 Attorneys for Defendant  
Holtzbrinck Ventures GmbH

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

14 FACEBOOK, INC.,  
15 Plaintiff,  
16 v.  
17 STUDIVZ LTD., HOLTZBRINCK  
18 NETWORKS GmbH,  
19 HOLTZBRINCK VENTURES  
GmbH, and DOES 1-25,  
Defendants.

Case No. 5:08-CV-03468 JF

Assigned To: Honorable Jeremy Fogel

## **HOLTZBRINCK VENTURES GmbH'S RESPONSES TO FACEBOOK, INC.'S FIRST SET OF REQUESTS FOR ADMISSION**

Complaint Filed: July 18, 2008

23 PROPOUNDING PARTY: FACEBOOK, INC.  
24 RESPONDING PARTY: HOLTZBRINCK VENTURES GmbH  
25 SET NUMBER: ONE

## **I. GENERAL OBJECTIONS**

A. Holtzbrinck Ventures GmbH (“Ventures”) objects to the Requests for Admission (“RFAs”) on the grounds that Facebook seeks the right to use evidence obtained in this action in the action pending between Facebook and StudiVZ in Germany (the “German Action”). It is improper under established law to use this lawsuit or this Court as vehicles to obtain discovery for use in a foreign case when that evidence is located outside the United States, as it is here. It is also inconsistent with the District Court’s form protective order.

B. Ventures objects to the RFAs on the grounds that they seek discovery that is not reasonably related to pertinent disputed personal jurisdictional or *forum non conveniens* issues, which is improper given that there are currently pending motions to dismiss all defendants for lack of personal jurisdiction and *forum non conveniens*.

C. Ventures objects to the RFAs to the extent that they would require violation of the privacy rights of its employees and its customers as embodied in German and European Union law, including but not limited to the German Constitution and the German Federal Data Protection Act (BDSG), the German Telecommunications Act (TKG), the German Tele Services Data Protection Act (TDDSG), the European Community Data Protection Directive 95/46/EC, Data Protection Directive for Electronic Communication 2002/58/EC and the E-Commerce Directive 2000/31/EC.

D. Ventures objects to the RFAs on the grounds that “HOLTZBRINCK VENTURES, HVG, YOU or YOUR” is defined as “defendant Holtzbrinck Ventures GmBH and its directors, officers, subsidiaries, predecessors, successors,

1 assigns, agents, servants, employees, investigators, attorneys, AND ALL other  
2 persons and entities representing it acting on its behalf.” This definition is  
3 improperly overbroad generally, and is particularly so given that the discovery  
4 purports to relate personal jurisdiction, since in establishing jurisdiction discovery  
5 must be directed only at the party over whom jurisdiction is being asserted.

6

7 E. Ventures objects to the RFAs to the extent they seek information that  
8 is protected from disclosure by the attorney-client privilege, the attorney work  
9 product doctrine, the right of privacy and/or any other applicable privileges,  
10 doctrines, or immunity from disclosure.

11

12 F. Ventures further objects to the RFAs to the extent they attempt or  
13 purport to impose obligations on Ventures beyond those set forth in the Federal  
14 Rules of Civil Procedure and the Hague Convention of 18 March 1970 on the  
15 Taking of Evidence Abroad in Civil or Commercial Matters (“Hague Evidence  
16 Convention”) as interpreted and enforced under German law. All definitions and  
17 instructions will be treated as having no force or effect to the extent they purport to  
18 impose obligations on Ventures beyond those set forth in the Federal Rules of Civil  
19 Procedure and the Hague Evidence Convention as interpreted and enforced under  
20 German law.

21

22 **REQUEST FOR ADMISSION NO. 1:**

23 Admit that at the time YOU acquired an interest in STUDIVZ you were aware  
24 of accusations by FACEBOOK that STUDIVZ was infringing FACEBOOK’S legal  
25 rights, including, but not limited to, intellectual property rights.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

27 Ventures hereby incorporates by reference the general objections set forth  
28 above. Ventures further objects to this RFA on the grounds that a plaintiff is not

1 entitled to take discovery on personal jurisdiction as a matter of right. In order to do  
2 so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures,  
3 or it must identify material jurisdictional issues that are in dispute. Facebook has  
4 done neither. Ventures further objects to this RFA on the grounds that the definition  
5 of "YOU" is overly broad and unduly burdensome. Ventures further objects to this  
6 RFA on the grounds that it seeks information that is not relevant nor reasonably  
7 calculated to lead to the discovery of admissible evidence. Ventures further objects  
8 to this RFA on the grounds that it is vague and ambiguous, and not limited, with  
9 respect to the timeframe of any accusations by Facebook.

10 Ventures further objects to this RFA on the grounds that it is moot. Namely,  
11 Facebook has already filed its opposition to Ventures' motion to dismiss for lack of  
12 personal jurisdiction and *forum non conveniens*, and these RFAs are specifically  
13 identified as being "relating to personal jurisdiction." In its request to continue the  
14 hearings on that and other motions, Facebook asked the District Court to allow it to  
15 file supplemental opposition papers with respect to *both* StudiVZ's Motion to  
16 Dismiss and the Holtzbrinck defendants' Motion to Dismiss. (Docket No. 77 at  
17 1:25-2:3; Docket No. 77-2). Because the District Court found that Facebook failed  
18 to demonstrate any reason to continue the hearing as to the Holtzbrinck defendants  
19 (Order at 2:15-17) (Docket No. 92), it denied Facebook's request to file a  
20 supplemental brief with respect to either of the Holtzbrinck defendants. (Order at  
21 2:20-22) (Docket No. 92) (ruling that Facebook would only be "permitted to file a  
22 supplemental opposition with respect to whether this Court has personal jurisdiction  
23 over StudiVZ in light of any newly discovered material").

24  
25 **REQUEST FOR ADMISSION NO. 2:**

26 Admit that YOU have knowledge that STUDIVZ accessed the FACEBOOK  
27 WEBSITE for commercial purposes.  
28

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

2 Ventures hereby incorporates by reference the general objections set forth  
3 above. Ventures further objects to this RFA on the grounds that a plaintiff is not  
4 entitled to take discovery on personal jurisdiction as a matter of right. In order to do  
5 so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures,  
6 or it must identify material jurisdictional issues that are in dispute. Facebook has  
7 done neither. Ventures further objects to this RFA on the grounds that the definition  
8 of “YOU” is overly broad and unduly burdensome. Ventures further objects to this  
9 RFA on the grounds that the phrase “commercial purposes” is vague and ambiguous,  
10 and on the grounds that it is vague and ambiguous, and not limited, with respect to  
11 timeframe. Ventures further objects to this RFA on the grounds that it seeks  
12 information that is not relevant nor reasonably calculated to lead to the discovery of  
13 admissible evidence.

14 Ventures further objects to this RFA on the grounds that it is moot. Namely,  
15 Facebook has already filed its opposition to Ventures’ motion to dismiss for lack of  
16 personal jurisdiction and *forum non conveniens*, and these RFAs are specifically  
17 identified as being “relating to personal jurisdiction.” In its request to continue the  
18 hearings on that and other motions, Facebook asked the District Court to allow it to  
19 file supplemental opposition papers with respect to *both* StudiVZ’s Motion to  
20 Dismiss and the Holtzbrinck defendants’ Motion to Dismiss. (Docket No. 77 at  
21 1:25-2:3; Docket No. 77-2). Because the District Court found that Facebook failed  
22 to demonstrate any reason to continue the hearing as to the Holtzbrinck defendants  
23 (Order at 2:15-17) (Docket No. 92), it denied Facebook’s request to file a  
24 supplemental brief with respect to either of the Holtzbrinck defendants. (Order at  
25 2:20-22) (Docket No. 92) (ruling that Facebook would only be “permitted to file a  
26 supplemental opposition with respect to whether this Court has personal jurisdiction  
27 over StudiVZ in light of any newly discovered material”).

1 **REQUEST FOR ADMISSION NO. 3:**

2 Admit that YOU have knowledge that STUDIVZ accessed the FACEBOOK  
3 WEBSITE for the purpose of modeling at least one of the STUDIVZ WEBSITES  
4 after the FACEBOOK WEBSITE.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

6 Ventures hereby incorporates by reference the general objections set forth  
7 above. Ventures further objects to this RFA on the grounds that a plaintiff is not  
8 entitled to take discovery on personal jurisdiction as a matter of right. In order to do  
9 so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures,  
10 or it must identify material jurisdictional issues that are in dispute. Facebook has  
11 done neither. Ventures further objects to this RFA on the grounds that the definition  
12 of “YOU” is overly broad and unduly burdensome. Ventures further objects to this  
13 RFA on the grounds that it is vague and ambiguous, and not limited, with respect to  
14 timeframe. Ventures further objects to this RFA on the grounds that it seeks  
15 information that is not relevant nor reasonably calculated to lead to the discovery of  
16 admissible evidence.

17 Ventures further objects to this RFA on the grounds that it is moot. Namely,  
18 Facebook has already filed its opposition to Ventures’ motion to dismiss for lack of  
19 personal jurisdiction and *forum non conveniens*, and these RFAs are specifically  
20 identified as being “relating to personal jurisdiction.” In its request to continue the  
21 hearings on that and other motions, Facebook asked the District Court to allow it to  
22 file supplemental opposition papers with respect to *both* StudiVZ’s Motion to  
23 Dismiss and the Holtzbrinck defendants’ Motion to Dismiss. (Docket No. 77 at  
24 1:25-2:3; Docket No. 77-2). Because the District Court found that Facebook failed  
25 to demonstrate any reason to continue the hearing as to the Holtzbrinck defendants  
26 (Order at 2:15-17) (Docket No. 92), it denied Facebook’s request to file a  
27 supplemental brief with respect to either of the Holtzbrinck defendants. (Order at  
28 2:20-22) (Docket No. 92) (ruling that Facebook would only be “permitted to file a

1 supplemental opposition with respect to whether this Court has personal jurisdiction  
2 over StudiVZ in light of any newly discovered material”).

3

4 **REQUEST FOR ADMISSION NO. 4:**

5 Admit that YOU have knowledge of similarities between the FACEBOOK  
6 WEBSITE and the STUDIVZ WEBSITES, including, but not limited to, visual  
7 similarities, functional similarities, feature similarities, and layout similarities.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

9 Ventures hereby incorporates by reference the general objections set forth  
10 above. Ventures further objects to this RFA on the grounds that a plaintiff is not  
11 entitled to take discovery on personal jurisdiction as a matter of right. In order to do  
12 so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures,  
13 or it must identify material jurisdictional issues that are in dispute. Facebook has  
14 done neither. Ventures further objects to this RFA on the grounds that the definition  
15 of “YOU” is overly broad and unduly burdensome. Ventures further objects to this  
16 RFA on the grounds that it is compound. Ventures further objects to this RFA on the  
17 grounds that the term “similarities” is vague and ambiguous, especially in the context  
18 of social networking websites, which all have some level of similarity to one another.  
19 Ventures further objects to this RFA on the grounds that it is vague and ambiguous,  
20 and not limited, with respect to timeframe. Ventures further objects to this RFA on  
21 the grounds that it seeks information that is not relevant nor reasonably calculated to  
22 lead to the discovery of admissible evidence.

23 Ventures further objects to this RFA on the grounds that it is moot. Namely,  
24 Facebook has already filed its opposition to Ventures’ motion to dismiss for lack of  
25 personal jurisdiction and *forum non conveniens*, and these RFAs are specifically  
26 identified as being “relating to personal jurisdiction.” In its request to continue the  
27 hearings on that and other motions, Facebook asked the District Court to allow it to  
28 file supplemental opposition papers with respect to *both* StudiVZ’s Motion to

1 Dismiss and the Holtzbrinck defendants' Motion to Dismiss. (Docket No. 77 at  
2 1:25-2:3; Docket No. 77-2). Because the District Court found that Facebook failed  
3 to demonstrate any reason to continue the hearing as to the Holtzbrinck defendants  
4 (Order at 2:15-17) (Docket No. 92), it denied Facebook's request to file a  
5 supplemental brief with respect to either of the Holtzbrinck defendants. (Order at  
6 2:20-22) (Docket No. 92) (ruling that Facebook would only be "permitted to file a  
7 supplemental opposition with respect to whether this Court has personal jurisdiction  
8 over StudiVZ in light of any newly discovered material").

9

10 **REQUEST FOR ADMISSION NO. 5:**

11 Admit that at the time YOU acquired an interest in STUDIVZ you were  
12 aware of similarities between the FACEBOOK WEBSITE and the STUDIVZ  
13 WEBSITES, including, but not limited to, visual similarities, functional similarities,  
14 feature similarities, and layout similarities.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

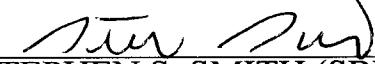
16 Ventures hereby incorporates by reference the general objections set forth  
17 above. Ventures further objects to this RFA on the grounds that a plaintiff is not  
18 entitled to take discovery on personal jurisdiction as a matter of right. In order to do  
19 so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures,  
20 or it must identify material jurisdictional issues that are in dispute. Facebook has  
21 done neither. Ventures further objects to this RFA on the grounds that the definition  
22 of "YOU" is overly broad and unduly burdensome. Ventures further objects to this  
23 RFA on the grounds that it is compound. Ventures further objects to this RFA on the  
24 grounds that the term "similarities" is vague and ambiguous, especially in the context  
25 of social networking websites, which all have some level of similarity to one another.  
26 Ventures further objects to this RFA on the grounds that it seeks information that is  
27 not relevant nor reasonably calculated to lead to the discovery of admissible  
28 evidence. Ventures further objects to this RFA on the grounds that it is vague and

1 ambiguous, and not limited, with respect to the timeframe of any alleged similarities.

2 Ventures further objects to this RFA on the grounds that it is moot. Namely,  
3 Facebook has already filed its opposition to Ventures' motion to dismiss for lack of  
4 personal jurisdiction and *forum non conveniens*, and these RFAs are specifically  
5 identified as being "relating to personal jurisdiction." In its request to continue the  
6 hearings on that and other motions, Facebook asked the District Court to allow it to  
7 file supplemental opposition papers with respect to *both* StudiVZ's Motion to  
8 Dismiss and the Holtzbrinck defendants' Motion to Dismiss. (Docket No. 77 at  
9 1:25-2:3; Docket No. 77-2). Because the District Court found that Facebook failed  
10 to demonstrate any reason to continue the hearing as to the Holtzbrinck defendants  
11 (Order at 2:15-17) (Docket No. 92), it denied Facebook's request to file a  
12 supplemental brief with respect to either of the Holtzbrinck defendants. (Order at  
13 2:20-22) (Docket No. 92) (ruling that Facebook would only be "permitted to file a  
14 supplemental opposition with respect to whether this Court has personal jurisdiction  
15 over StudiVZ in light of any newly discovered material").

16 DATED: March 4, 2009

17 GREENBERG GLUSKER FIELDS  
18 CLAMAN & MACHTINGER LLP

19 By:   
20 STEPHEN S. SMITH (SBN 166539)  
21 Attorneys for Defendant Holtzbrinck  
22 Ventures GmbH

**PROOF OF SERVICE**  
CCP §1011, CCP §1013a(3)

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is 1900 Avenue of the Stars, Suite 2100, Los Angeles, California 90067-4590.

On March 4, 2009, I served the foregoing document described as **HOLTZBRINCK VENTURES GMBH'S RESPONSES TO FACEBOOK, INC.'S FIRST SET OF REQUESTS FOR ADMISSION** on the interested parties in this action

by placing  the original  a true copy thereof enclosed in sealed envelopes addressed as follows:

Thomas Gray, Esq. (ORIGINAL)  
tgray@orrick.com  
Orrick, Herrington & Sutcliffe LLP  
4 Park Plaza, Suite 1600  
Irvine, CA 92614-2558

Attorneys for Plaintiff Facebook, Inc.

Gary E. Weiss, Esq. **(COPY)**  
gweiss@orrick.com  
Orrick, Herrington & Sutcliffe LLP  
1000 Marsh Road  
Menlo Park, CA 94025

**BY U.S. MAIL:**

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on March 4, 2009, at Los Angeles, California.

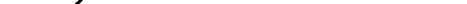
**BY PERSONAL SERVICE:**

I delivered such envelope by hand to the offices of the addressee.

Executed on \_\_\_\_\_, at Los Angeles, California.

(Fed) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Aaron B. Bloom

  
SIGNATURE

## SIGNATURE